

## ARTICLE 2

### GENERAL PROVISIONS

---

**Legislative Intent.** For purposes of this Ordinance, the following regulations shall govern each district.

The fundamental intent of the Town of Warrenton's Zoning Ordinance is to implement the goals and objectives of the adopted Comprehensive Plan for the Town of Warrenton, Virginia. The Comprehensive Plan is the basis for the text and map of this Zoning Ordinance and it is the intent that physical development within the Town proceed according to the regulations outlined in the subsequent articles.

It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or required larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provision of this chapter shall govern.

**2-1 Reservation to Council on Grants of Special Use Permit.** Notwithstanding any other provision of this Ordinance, the Town Council reserves to itself the right to issue any special use permit.

**2-2 Additional Height Regulations.** No signs, nameplate, or advertising device of any kind shall be installed upon or attached to any chimney, tower, tank, or structure of like kind which is permitted to extend above the height limits of the district in which it is located.

**2-3 Public Facilities Manual.** The Town of Warrenton Public Facilities Manual for the Town of Warrenton, (6/92 edition) and as amended by Town Council of the Town of Warrenton, is hereby adopted in its entirety and incorporated herein by reference in the Zoning and Subdivision Ordinances as though set out in full herein.

2-3.1 All utility systems shall be designed and constructed in accord with the Town of Warrenton Public Facilities Manual.

**2-4 Substandard Area and Frontage, Lots of Record at Time of Ordinance Adoption.** A lot which does not conform to the minimum area or frontage requirements of the district in which it is located and which has existed as a lot of record approved prior to adoption of this Ordinance, may be used without appealing to the Board of Zoning Appeals if setbacks and side and rear yard regulations of the district are met, provided that direct access of sufficient width to accommodate the intended use of the lot is provided to a public street. Such access shall be permanently guaranteed by the recordation of an easement in the Circuit Court of Fauquier County, Virginia.

**2-5 Frontage Regulations.** Except as provided in Section 1-4 and as provided elsewhere in this Ordinance with respect to townhouses, cluster alternates, and Planned Unit Developments, no lot shall be used in whole or in part unless such lot abuts upon a street in accord with the minimum frontage regulations of this Ordinance. No lot or parcel of land abutting the terminus of a public street shall be deemed to comply with the frontage regulations unless such lot abuts on an approved permanent cul-de-sac.

**2-6 Obstruction to Vision at Intersections Prohibited.** No shrubbery, sign, or other similar obstruction to vision between the heights of two and one half (2.5) and ten (10) feet from the ground level shall be permitted within the distance required to provide adequate sight distance to meet Virginia Department of Transportation requirements.

## **2-7 Fences and Walls**

- 2-7.1** Fences and walls may be erected up to a height of six (6) feet in all zoning districts, except for fences or walls that extend within the required front setback, unless modified by the ARB within the Historic District. Within the area bounded by the front setback and the side lot lines, fences and walls shall not exceed four (4) feet in height, unless otherwise restricted by the provisions of Section 2-6. Excluded are walls or fences encompassing swimming pools or other uses which are required by law, or prudent judgement, and approved by the Planning Director.
- 2-7.2** In residential developments of five (5) or more dwelling units, fencing should be uniform throughout the development. It is preferable to use plant materials for screening rather than opaque privacy fences.
- 2-7.3** For multifamily, commercial, and industrial uses, where new fencing would create a continuous surface greater than ten (10) feet in length, at least one evergreen shrub or tree shall be planted every ten (10) feet along the fence to soften its appearance.

**2-8 Removal of Top Soil.** The retention of adequate top soil on the land within the Town is considered necessary for the general welfare of the Town. The permanent removal of top soil from the land within the Town shall be regulated, as set forth in Article 5, Erosion and Sediment Control. Urban Best Management Practices shall be utilized to stabilize disturbed areas and reduce runoff volumes and sedimentation. A land disturbance permit is required when disturbing or clearing an area in excess of 10,000 square feet. Land disturbance activities shall also be regulated as provided for under Erosion Control Regulation VR 625.02.00, adopted by the Virginia Soil and Water Conservation Board, effective September 13, 1990. Any and all future updates of the aforementioned section are also adopted as a part of this ordinance.

**2-9 Location on a Lot Required.** Every building hereafter erected, reconstructed, converted, moved, or altered, other than accessory buildings as defined and other than townhouses, cluster alternates, and Planned Unit Developments as provided elsewhere in this Ordinance, shall be located on a lot of record and in no case shall there be more than one principal building on one lot unless otherwise provided for in this Ordinance. Uses otherwise provided for include multiple-family housing, commercial and office centers and complexes, industrial uses, and institutional complexes.

**2-10 Encroachments in Required Setbacks.** The following features, and no other, may extend into required minimum yard areas, but only as qualified below.

- 2-10.1** Cornices, canopies, awnings, eaves, or other such similar feature, all of which are at least ten (10) feet above grade, may extend three (3) feet into any required setback but not nearer to any lot line than a distance of two (2) feet. This provision shall not apply to permanent canopies over gasoline pump islands which have supports located on the pump island. Such canopies may extend into minimum required front yards, providing they do not overhang travel lanes or, if no travel lanes exist, they shall not be located closer than twenty-two (22) feet from the right-of-way line.
- 2-10.2** Sills, headers, belt courses, and similar ornamental features may extend twelve (12) inches into any required setback.
- 2-10.3** Open fire balconies, fire escapes, and fire towers may extend five (5) feet into any required setback.

- 2-10.4** Bay windows, oriels, balconies, and chimneys not more than ten (10) feet in width may extend three (3) feet into any required front or side setback, ten (10) feet into any required rear setback, but not nearer to any lot line than a distance of five (5) feet.
- 2-10.5** An outside stairway, unenclosed above and below its steps, may extend four (4) feet into any required side or rear setback, but not nearer to any side lot line than a distance of six (6) feet.
- 2-11 Uses Not Permitted are Prohibited.** For the purpose of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.
- 2-12 Qualifying or Supplemental District Regulations.** The regulations set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.
- 2-13 Zoning of annexed territory.**
- 2-13.1** Any property annexed or boundary adjusted into the corporate limits, hereinafter referred to as the “annexed property”, after the effective date of the Zoning Ordinance shall immediately, upon the effective date of such annexation or boundary adjustment, be automatically classified as an R-1 Zoning District pursuant to Article 34 of the Zoning Ordinance until a zoning plan for the annexed property has been adopted by the Town Council.
- 2-13.2** Notwithstanding the foregoing, if the annexed property had a zoning in Fauquier County with a density equal to or less than one (1) dwelling unit per acre, the annexed property shall, immediately upon the effective date of such annexation or boundary adjustment, be classified as an R-E Zoning District, pursuant to Article 35 of this Zoning Ordinance, until a zoning plan for the annexed property has been adopted by the Town Council.
- 2-13.3** Notwithstanding the provisions of paragraph 2-13.1, if the annexed property had a zoning in Fauquier County of a commercial nature, the annexed property shall, immediately upon the effective date of such annexation or boundary adjustment, be classified as a C-L Zoning District pursuant to Article 16 of the Zoning Ordinance for the Town of Warrenton.
- 2-13.4** The Planning Commission shall prepare and present a zoning plan of the annexed property to the Town Council within twelve (12) months of the effective date of such annexation or boundary adjustment.  
(Amended by Town Council 4/14/98)
- 2-14 Maximum Density.** The maximum density specified for a given zoning district shall not be exceeded except as specifically qualified elsewhere. Maximum density shall be calculated on the gross area of the lot, expressed in the number of dwelling units per acre.
- 2-15 Steep Slopes.** A Special Use Permit, obtained in accordance with provisions of Section 4-8, is required for grading and development on slopes of twenty-five (25) percent or greater. In issuing such a permit, the Town Council shall consider:

- the proposed density of development on steep slopes and the extent of grading proposed to accommodate this development;
- whether the soils are particularly prone to erosion and likely to be subject to accelerated erosion rates due to alteration of the natural topography and disturbance or removal of existing ground cover;
- whether the proposed placement of buildings relates to the contour lines and natural form of the terrain and seeks to retain these natural features of the site;
- whether adequate protective measures are provided for steep slopes that are graded or temporarily denuded of existing ground cover, including the use of terracing, retaining walls, replanting or supplemental planting with suitable vegetation, or a combination of these methods, to reduce excessive runoff and soil erosion, provided further that provisions for the maintenance of and responsibility for any structural slope control is provided for in a manner deemed acceptable to the Town Council;
- whether adequate protection exists for structures and properties that lie below the steep slopes in case of slope failure or excessive runoff and sedimentation; and
- whether the lot provides opportunities for clustering of dwelling units or other innovative design techniques that would eliminate or reduce the need for grading and/or development on steep slopes.

**2-16 Temporary Uses:** The Zoning Administrator may approve certain outdoor temporary uses of a commercial nature upon private property which will not adversely affect the health or safety of the public nor be detrimental to adjacent properties.

1. **Permitted Temporary Uses in Commercial Districts:** Notwithstanding the specific use regulations of the individual commercial zoning districts, the following uses may be permitted on a temporary basis on property located within any commercial zoning district when such uses are in conformance with the regulations of this subsection:

- a. Temporary retail sales stands limited to the primary sale of Christmas trees, Halloween pumpkins, fireworks, or merchandise sold by civic or non-profit groups and with sale of accessory items clearly secondary to the primary items.
  - (i) For the purpose of this subsection the term civic or non-profit group shall include any organization which meets regularly in the Town or which has "Warrenton" or a Town location in its name, and which has demonstrated service to the Town.
- b. Carnivals, festivals, fairs or similar outdoor entertainment events.
- c. Outdoor retail sales events, provided that such sales shall be conducted by an existing retail business located on the same property.

2. **Use Restrictions:** Uses permitted under this subsection shall conform with the following regulations:

- a. Temporary retail sales stands shall not operate for a period of more than thirty (30) days for a special sales stand.

- b. Carnivals, festivals, fairs or similar outdoor entertainment events shall not operate for a period of more than five (5) days for any event.
  - c. The uses enumerated in this subsection shall operate between 9:00 a.m. to 7:00 p.m.; provided, however, that based upon a lighting plan submitted by the applicant, the Zoning Administrator may approve additional evening hours. In no event shall such use operate after 11:00 p.m.
  - d. Outdoor retail sales events shall not operate for a period of more than four days for any event.
  - e. All temporary uses shall be provided convenient off-street parking spaces in sufficient number for the use, as determined by the Zoning Administrator. Notwithstanding other requirements of this Chapter, such parking may be located off-site.
  - f. All temporary uses which include the operation of amplified sound shall adhere to the regulation set forth in Section 11-19, Noise of Chapter 11, Offenses - Miscellaneous of the Town Code.
3. **Permit and Application Requirements:** A Zoning Permit shall be required for a temporary use with the exception of the use set forth in Section 2-16(1) (c). Application for such permit shall be made at least one week prior to the date on which the permit is to take effect. The application shall be made on a form provided by the Zoning Administrator and shall include information about the proposed use, products to be sold, sign, and related licenses and permits.
4. **Maximum Number of Permits:** During a calendar year, no more than the following number of permits shall be permitted for each parcel of land or business:
- a. Temporary retail sales stands - Three permits per parcel.
  - b. Carnivals, festivals, fairs or similar outdoor entertainment events - four permits per parcel.
  - c. Outdoor retail sales events - four permits per retail business.
  - d. Additional permits for temporary uses may be authorized by the Town Council.
5. **Public Uses Excluded:** Any use located on public property which is approved by the Town shall not be considered a temporary use subject to these restrictions.
6. **Signs:** Notwithstanding other regulations governing signs in this Chapter, the Zoning Administrator may approve one sign for each temporary use, up to a maximum of 32 square feet of sign area, which shall be displayed only during the period approved for the temporary use.
7. **Revocation of Temporary Permit:** The Zoning Administrator may revoke a temporary permit at any time subsequent to the failure of the owner or operator of the permitted use to observe all requirements of the law with respect to the maintenance and conduct of the use, and all conditions of the permit that were designated by the Zoning Administrator when issued. Upon receipt of notice of revocation of the permit, the property owner or operator of such activity shall cease operation of the activity immediately. The foregoing provisions shall not be

deemed to preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Ordinance.

8. **Civic or Non-Profit Organization:** The operation of a temporary use by a civic or non-profit organization shall be exempt from the requirements of subsection 2-16(4). Such organization or its members shall also be exempt from the requirements of subsection 2-16(3) when cookies, candy, baked goods or similar small items are sold on commercial properties in areas devoted to pedestrian use.
- 2-17 **Payment of Delinquent Taxes Prior to Filing a Land Use Application.** Prior to the filing of an application for a special use permit, special exception, variance, rezoning, site plan, subdivision plat, land disturbance permit, or other land use permit, the applicant shall produce evidence that any delinquent Town real estate taxes properly assessed against the subject property have been paid in full. (State Law Reference Section 15.1-491 (j)). (Amended by Council 5-13-97)